19 LC 41 1988S

The House Committee on Judiciary offers the following substitute to SB 31:

A BILL TO BE ENTITLED AN ACT

- 1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
- 2 general provisions regarding law enforcement officers and agencies, so as to clarify that law
- 3 enforcement officers shall not be liable at law for any action or actions done while
- 4 performing any duty at the scene of an emergency under certain circumstances; to provide
- 5 for definitions; to provide for no liability of law enforcement officers for rescuing persons
- 6 or pets from certain vehicles; to provide for related matters; to repeal conflicting laws; and
- 7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

- 10 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
- 11 provisions regarding law enforcement officers and agencies, is amended by revising Code
- 12 Section 35-1-7, relating to liability of law enforcement officers performing duties at the scene
- 13 of an emergency, as follows:
- 14 "35-1-7.
- 15 (a) As used in this Code section, the term:
- (1) 'Emergency' means an occurrence involving, or appearing to involve, a clear and
- imminent danger or threat to life, health, or property, including, but not limited to, the
- 18 rescuing of a person or pet from a locked vehicle when such person or pet remaining
- within such vehicle presents a clear and imminent danger to such person's or pet's life or
- health.
- 21 (2) 'Law enforcement officer' means any peace officer who is employed by this state or
- 22 <u>any political subdivision thereof and who is required by the terms of his or her</u>
- 23 <u>employment, whether by election or appointment, to give his or her full time to the</u>
- 24 <u>preservation of public order or the protection of life and property or the prevention of</u>
- 25 crime. Such term shall include sheriffs and deputy sheriffs.

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(3) 'Pet' means any domesticated animal normally maintained in or near the household

27 of its owner. (b) A law enforcement officer shall not be liable at law for any action or actions done 28 while performing any duty at the scene of an emergency except for gross negligence, 29 30 willful or wanton misconduct, or malfeasance. As used in this Code section, the term 'law enforcement officer' means any peace officer who is employed by this state or any political 31 32 subdivision thereof and who is required by the terms of his employment, whether by 33 election or appointment, to give his full time to the preservation of public order or the 34 protection of life and property or the prevention of crime. Such term shall include sheriffs

36 SECTION 2.

and deputy sheriffs."

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37 All laws and parts of laws in conflict with this Act are repealed.